

4848. Misbranding of Barrell's Indian Liniment. U. S. v. The H. G. O. Cary Medicine Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 6320. I. S. No. 12728-e.)

On January 22, 1916, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The H. G. O. Cary Medicine Co., a corporation, Zanesville, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 10, 1913, from the State of Ohio into the State of West Virginia, of a quantity of Barrell's Indian Liniment which was misbranded. The article was labeled: (On carton) "Barrell's Indian Liniment Alcohol 31%. The Best Remedy ever yet discovered for External or Internal Applications. Prepared from the original Indian Recipe. It has been found to effect the most surprising relief in the following Diseases of Man: Inflammatory and Chronic Rheumatism, Sore Throat, Croup, Swelled Limbs, Pains in the Breast, Back or Side, Stiff Joints, Ague in the Face, Sprains Salt Rheum, Bruises, Chilblains, Toothache, Pains in the Joints, Stings of Insects, Burns, Frosted Feet, Sun Pain, Issues, Nervous Diseases, Weakness in the Ankles and Limbs generally, Erysipelas, Headache, Diseases of the Spine, Cholera, Cholera Morbus, Bloody Flux. Diarrhoea, etc. Try it once Price 25 Cents (New Style adopted July 1st, 1912)" (On one side of carton) "For Horses: It can not be surpassed for Sprains, Galls, Chafes, Scratches, Strains of the Shoulder, Stifles, Cracked Hoofs, Ring Worms, Sweeney, Fistula, etc. The most severe cases of Botts or Colic in Horses and Cattle have been cured by the Indian Liniment. Guaranteed by H. G. O. Cary Medicine Company under the Food and Drugs Act, June 30, 1906. Number 3273." (On other side of carton) (Entered according to Act of Congress) Prepared only by H. G. O. Cary Medicine Company Cary's Family Medicines Zanesville, Ohio." (On bottle) (Blown in bottle) "Barrell's Indian Liniment, H. G. O. Cary." The circular or pamphlet accompanying the article contained, among other things, the following: "It penetrates speedily, relaxing contracted Cords. Restoring the use of Limbs long paralyzed, Restoring the use of Muscles which have long lost their action, from various causes." "For Affections of the Lungs, Weakness of the Sides, Breast or Back, Liver Complaints, Enlargement of the Spleen, &c., great cures have been effected by applying the Indian Liniment externally, with a few drops taken on a lump of sugar internally. For Long Standing Colds and Coughs, and Soreness accompanying such affections, it has no equal Bilious Cholic, Cramp in the Bowels and Stomach, Cholera Morbus, &c., an effectual and safe remedy." "For Man. It cures Inflammatory and Chronic Rheumatism, Sore Throat, Croup, Swelled Limbs, Pains in the Breast, Back or Side, Stiff Joints, Ague in the Face, Sprains, Salt Rheum, Bruises, Chilblains, Tooth-ache, Sting of Insects, Burns, Frosted Feet, Sun Pains, Issues Nervous Diseases, Weakness in the Ankles and Limbs generally, Erysipelas, Headache, Diseases of the Spine, &c." "Erysipelas. Some of the most astonishing cures have been performed by applying the Liniment to the parts affected." "Diseases of the Lungs. Consumption, Coughs, Colds, Phthisic, Shortness of Breath, and General Debility effectually cured by applying the Liniment externally, and taking 15 or 20 drops internally." "Quinsy and Sore Throat. This painful and often fatal disease can now be speedily cured by applying the Liniment to the throat with a flannel, which should be worn during the treatment; at the same time take 20 drops every hour on a piece of sugar, allowing it to dissolve in the mouth." "Cholera Morbus, Bilious Colic, Cramp in the bowels or stomach, Dysentery, Cholera Infantum and all diseases of the bowels cured by taking 20 drops every hour, oftener if necessary, and

at the same time apply the Indian Liniment to the bowels on a piece of flannel. There is nothing better." "Cholera Cured by the Indian Liniment:—a disease for which it was never recommended; but when it broke out in Fayette County, Ohio, with great violence last summer, it was resorted to with infallible success in every case, until the supply in the hands of Agents, all over that section of the country was exhausted." "Pleurisy. In one of the worst cases imaginable, after exhausting every remedy of the Faculty, to no purpose, resort was had to the Indian Liniment, which gave immediate relief, and produced a speedy cure." "Bloody Flux. A certain and safe cure for this usually fatal disease speedily effected by using the Indian Liniment, as can be proved by a vast number of cases the past season." "The wonderful cures it has lately been performing in Consumption, diseases of the Lungs, and long standing Colds, curing the most severe cases of that dreadful and until now incurable disease, Asthma, will alone make it the most popular medicine in the world. In fact, it is now so generally and with so much success taken Internally, that we are at a loss which to recommend the strongest, External or Internal application; it must supercede all other medicines of its kind."

Analysis of a sample of the articles by the Bureau of Chemistry of this department showed it to be a hydroalcoholic solution of oleo resin of capsicum, turpentine, oil of sassafras and soap, containing 49.1 per cent of alcohol, 10 per cent of volatile oil, and 2.8 grams of solids per 100 cc.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Alcohol 31%," borne on the carton thereof, was false and misleading in that it represented to purchasers thereof that the article contained 31 per cent of alcohol, when, in truth and in fact, it contained a greater amount of alcohol, to wit, 49.1 per cent. Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects of the article, appearing on the label aforesaid, to wit, "It has been found to effect the most surprising relief in the following Diseases of Man: Inflammatory * * * Rheumatism * * * Erysipelas * * * Cholera * * *" and included in the circular or pamphlet aforesaid, to wit, "It penetrates speedily, * * * Restoring the use of Limbs long paralyzed, Restoring the use of Muscles which have long lost their action * * *." "For * * * Enlargement of the Spleen, * * * great cures have been effected by applying the Indian Liniment externally, with a few drops taken on a lump of sugar internally. * * *." "It cures Inflammatory and Chronic Rheumatism * * *." "Erysipelas. Some of the most astonishing cures have been performed by applying the Liniment to the parts affected." "Consumption * * * effectually cured by applying the Liniment externally, and taking 15 or 20 drops internally." "Quinsy * * *. This painful and often fatal disease can now be speedily cured by applying the Liniment to the throat * * * at the same time take 20 drops every hour on a piece of sugar * * *." "all diseases of the bowels cured by taking 20 drops every hour, oftener if necessary, and at the same time apply the Indian Liniment to the bowels on a piece of flannel. * * *." "Cholera cured by the Indian Liniment. * * *." "Pleurisy. * * * Indian Liniment * * * gave immediate relief, and produced a speedy cure." "Bloody Flux. A certain and safe cure for this usually fatal disease speedily effected by using the Indian Liniment, * * *." "The wonderful cures it has lately been performing in Consumption, * * * and * * * curing the most severe cases of that dreadful and until now incurable disease, Asthma, will alone make it the most popular medicine in the world. * * *," were false and fraudulent in that they were applied to said article knowingly, and in reck-

less and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof the impression and belief, that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a relief for inflammatory rheumatism, erysipelas, and cholera, to restore the use of limbs long paralyzed and of muscles which have long lost their action, as a cure for enlargement of the spleen, inflammatory rheumatism, chronic rheumatism, erysipelas, consumption, quinsy, all diseases of the bowels and cholera, for the relief of pleurisy, and for the cure of pleurisy, bloody flux, and asthma, when, in truth and in fact, it was not, in whole or in part, composed of, and did not contain, such ingredients or medicinal agents.

On June 1, 1916, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

CARL VROOMAN,
Acting Secretary of Agriculture.